

- 5 'tWtak

Qoiml OoMr

CJ 0005710 O

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,
Plaintiffs,

Docket No. C-4122-73

v.

THE MAYOR AND COUNCIL OF
THE BOROUGH OF CARTERET,
et al.,

Defendants.

CONSENT ORDER

This matter having been opened to the Court by the undersigned attorneys for the plaintiffs and having been remanded for trial by the Supreme Court on the issue of fair share allocation of the regional need for low and moderate income housing and on whether the Township of South Brunswick has complied with the mandate to satisfy its fair share allocation by providing a realistic opportunity for the development of such housing and it being represented to the Court that the parties agree to the following:

Whereas, the Township of South Brunswick made major revisions to its zoning, land use and subdivision ordinances which streamlined land development review procedures, rezoned more than 2600 acres which previously had been zoned industrial ~~or~~ residential and rezoned 2495 acres from single family residential to higher density mixed residential housing types; and

Whereas, the Township of South Brunswick granted a use variance to Xebec Corporation to construct 40 rental units for low income families on a five-acre parcel on Blackhorse Lane; and

Whereas, the Township of South Brunswick required rent controls on 515 one bedroom and 220 two bedroom apartments in the Royal Oaks development, now under construction, so that the initial rents will be \$440 for one bedroom units and \$550 for two bedroom units; and

Whereas, the Township of South Brunswick required price controls on 57 one bedroom condominiums in the Whispering Woods development, now under construction, so that initial sales prices will be set at \$47,000; and

Whereas, the Township of South Brunswick required price controls on 64 senior citizen condominium units in the Dayton Center development so that initial sales prices will be set at \$44,999; and

Whereas, the Township of South Brunswick assisted in the acquisition of federal subsidies for 54 low and moderate income senior citizen rental units in the Charleston Place development constructed in 1979 and for an additional 30 similar units soon to be developed; and

Whereas, the Township of South Brunswick utilized Community Development Block Grant funds to provide home rehabilitation loans to numerous low and moderate income persons which assisted in the rehabilitation of their homes; and

Whereas, the parties desire that the Township of South Brunswick provide a realistic opportunity for the development of

3
a sufficient number of housing units to satisfy the Township's fair share of low and moderate housing need.

Now, Therefore, it is this _____ day of June, 1985, ORDERED and ADJUDGED:

1. The Township of South Brunswick's fair share of low and moderate income housing need through 1992 is 1982 housing units.
2. The Township's fair share shall be met by new development of 1868 units of which specific sites for 768 units have been determined and are presented herein and which will include an additional 102 units which shall be encouraged by the Township as provided in paragraph 6 below and credit for the 54 low and moderate income, subsidized senior citizen units at Charleston Place which were placed into occupancy after April, 1980, and are occupied by low and moderate income persons. The new construction units are identified in the schedule attached hereto as Exhibit A and in the Zoning Map attached hereto as Exhibit B and made a part hereof.
3. Fortwithn, but not later than 90 days after the entry of this ~~present~~ Order, the township of South Brunswick shall rezone the ~~20~~ ¹⁶⁸ acre tract south of Deans-Rhod ^{hall} Road and west of Route 130 from part R-R Rural Residential with a density of .5 units per acre and part LI-3 Light Industrial to the Manufactured Mobile Home Zone (Mn) permitting ~~manufactured housing~~ at a gross density of 5.5 units per acre. The Township of South Brunswick shall amend at the same time the existing zoning pertaining to the 107 acre tract bordered on the north by Broadway Road and on the east by Route 130, to increase the gross density from three

units per acre to seven units per acre and shall make mobile and manufactured housing a permitted use.

stern?

These zoning amendments shall further provide that 25% of the units in the MR zones shall be lower income housing, of these, at least 25% shall be low income housing and 25% shall be intermediate moderate income housing. These ordinance amendments are attached hereto as part of Exhibit C and made a part hereof.

4. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of South Brunswick shall rezone the following tracts to Planned Residential Development VII (PRD VII) zoning permitting a gross density of seven dwelling units per acre and permitting multi-family development:

- a) Block 93, Lots 3, 4 and 41 known as St. Augustine's, located north of Beekman Road and east of Route 27,
- b) Block 41, Lots 9.02, 14.01 and 14.02 known as the Municipal Complex, located south of Monmouth Junction Road, and
- c) Block 31, Lot 10.01 and 12 known as Georges Road, located north of Georges Road and between the PSE/B easement and Jamesburg Road.

St. Cecilia?
Toanlent/
sterz

This amendment is attached hereto as part of Exhibit C and made a part hereof.

5. Forthwith, but not later than 90 days after the entry of this Consent Order, the Township of South Brunswick shall enact a mandatory set aside ordinance which shall provide for a mandatory set aside for lower income units of 20% of the total number of units that may be developed assuming full development at the gross density of seven units per acre provided by right in each.

A zone for all developments in the ~~RD~~^{VII} zones. No other zones may be zoned at densities greater than 4 units per acre unless they are subject to a mandatory set aside provision, reasonably proportionate to those contained herein, but in no event less than 15% of the total number of units to be developed. Any additional zones, other than those specified herein, zoned at gross densities of seven units per acre or greater shall be subject to a minimum requirement of a 20% set aside for low and moderate income development.

The mandatory set aside provisions shall require that a minimum of 1/4 of the lower income units be low income and a minimum of 1/4 be intermediate moderate income, as defined in paragraph 6 below. These ordinance amendments are attached hereto as part of Exhibit C and made a part hereof.

6. Fortwith, but not later than 90 days after the entry of this Consent Order, the township of South Brunswick shall adopt an Affordable Housing Ordinance which shall provide that units designated as low, intermediate moderate or moderate income units shall be sold or rented only to families who qualify as low, intermediate moderate or moderate income families. The ordinance shall further provide that such units shall be re-rented or re-sold only to qualifying families and that such units are affordable to low or moderate income families. To be affordable, the monthly expenses of a sales unit shall not exceed 20% of family income while the monthly rental charge, including utilities, shall not exceed 30% of family income. Low income shall be defined as less than 50% of median regional income with

7
private developers to so apply. The township shall encourage the development of a minimum of 200 subsidized units by December 31, 1992. The Township shall rezone, if necessary, suitable sites for the development of these subsidized units. A number representing one-half of the subsidized units developed by December 31, 1994, other than those identified in Exhibit A, subpart B, shall be credited toward the Township's ataged present need obligation for the period from 1992 to 1996. This Resolution is attached hereto as Exhibit D and made a part hereof. A letter from Xepco Corporation indicating its desire to develop subsidized units in South Brunswick is attached hereto as Exhibit E and made a part hereof.

not rezone?

part

9. Forthwith, but not later than 90 days after entry of this Consent Order, the Township of South Brunswick shall amend its land use and zoning ordinances to provide that the minimum tract requirements for the PRD VII Zones and MH Zones subject to this Consent Order shall be no greater than 50 acres or the aggregate acreage of parcels held by one owner, whichever is less. This ordinance amendment is attached hereto as part of Exhibit C and made a part hereof.

10. Forthwith, but not later than 90 days after entry of this Consent Order, the township of South Brunswick shall amend its zoning ordinance pertaining to PRD VII Zones so that multi-family development is permitted by right and the open space requirements are reduced to 25% of tract area. This ordinance amendment is attached hereto as part of Exhibit C and made a part hereof.

11. Fortnwith, but not later than 90 days after entry of this Consent Order, the Township of South Brunswick shall amend its zoning ordinance so that the minimum lot size for townhouse development is reduced to 2000 square feet and the net density for townhouses is increased to 12 units per acre. This ordinance amendment is attached hereto as ^{part B} Exhibit C and made a part hereof.

12. Fortnwith, but not later than 90 days after entry of this Consent Order, the Township of South Brunswick shall amend its zoning ordinance so that the minimum mandatory reservation of 5% of tract area for commercial and office development in PRD VII Zones is eliminated. This ordinance amendment is attached hereto as part of Exhibit C and made part hereof.

13. Fortnwith, but not later than 90 days after entry of this Consent Order, the Township of South Brunswick shall amend its zoning ordinance to eliminate the restrictions on the proportion of each housing type that may be included in the PRD VII Zones. This ordinance amendment is attached hereto as part of Exhibit C and made a part hereof.

✓ 14. Fortnwith, but not later than 90 ^v days after entry of this Consent Order, the Township of South Brunswick shall amend its zoning ordinance to eliminate the requirements for a Traffic Circulation Impact Statement and Environmental Impact Statement except for tracts located in areas which have been determined in the Master Plan to have potential traffic problems or which have been determined to be environmentally sensitive. This ordinance amendment is attached hereto as part of Exhibit C and made a part hereof.

15. Forthwith, but not later than 90 days after entry of this Consent Order, the Township of South Brunswick shall amend its zoning ordinance to eliminate the requirement for a School Impact Statement. This ordinance amendment is attached hereto as part of Exhibit C and made a part hereof.

16. Forthwith, but not later than 90 days after entry of this Consent Order, the Township of South Brunswick shall amend its zoning ordinances so that developers of low and moderate income units in the PRD VI and MH Zones are required to affirmatively market those units to persons of low and moderate income, irrespective of race, color, sex, or national origin. Such affirmative marketing shall include advertisement in newspapers with general circulation in the urban core areas located in the 11 county present need region identified in AMG. The Township shall also require the developer to advertise the low and moderate income units with local fair housing centers, housing advocacy organizations, Urban Leagues, and governmental social service and welfare departments located within the 11 county region. This ordinance amendment is attached hereto as part of Exhibit C and made a part hereof.

17. The Township of South Brunswick shall report in writing to the Court and to Plaintiff, Civic League or its designee, within 90 days of the entry of this Consent Order or when all ordinance amendments and resolutions have been duly enacted by the Council and Mayor of the Township, whichever first occurs, certifying that all ordinance amendments and resolutions have been enacted or providing an explanation as to why they have not

..
been enacted. Upon certification that all required amendments
& resolutions have been enacted the Court will enter an Order
of Compliance which will be valid and binding for six years from
date of receipt of said certification. If all ordinance
amendments and resolutions required herein have not been enacted,
the Court shall set this case for trial.

The Township of Boutin Brunswick shall report quarterly
in writing to Plaintiff, Civic League or its counsel, commencing
with July 31, 1988, providing the following information:

(a) Itemization of all proposed developments - for which
applications have been filed with the Township's Planning Board,
and for which preliminary or final approval has been given by the
Planning Board; including the location of the proposed site,
number of low and moderate income units, name of developer, and
dates that Planning Board actions were taken or are anticipated
to be taken and

(p) a copy of the affirmative marketing plans provided for
each development together with copies of advertisements and a list
of newspapers and community or governmental organizations or
agencies which received the advertisements.

Attorney: D. S. H. T. Cr., R. J. S. C.

We hereby consent to the form, substance, and entry of this
Consent Order.

Co-Counsel for Plaintiffs

BENEDICT & ALTMAN
Attorneys for the Council and
Mayor of the Township of
South Brunswick

By: _____